

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff

v.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01362
Hon. David A. Faber

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01665
Hon David A. Faber

**PLAINTIFFS' MOTION TO COMPEL DEFENDANTS TO WITHDRAW PRIVILEGE
CLAIMS AND FOR *IN CAMERA* REVIEW OF PRIVILEGE CLAIMS**

Pursuant to Rules 33, 34, and 37 of the Federal Rules of Civil Procedure, Plaintiffs THE CITY OF HUNTINGTON, and CABELL COUNTY COMMISSION (collectively, "Plaintiffs"), through their undersigned counsel, hereby move for an order compelling Defendants AmerisourceBergen Drug Corporation ("ABDC"), Cardinal Health ("Cardinal"), and McKesson Corporation ("McKesson") to: a) withdraw privilege claims over documents and/or types of documents which have been previously determined not to be privileged (either by Defendants themselves or by the MDL 2804 Court), and b) to produce for *in camera* review the underlying

documents relating to other of Defendants' privilege claims not resolved between the parties. Plaintiffs' motion should be granted for the reasons given in the accompanying memorandum of law, which is incorporated herein. Pursuant to LR Civ P 7.1(a), copies of all documents and other such materials or exhibits referenced in the accompanying memorandum, and upon which this motion relies, are attached to this motion. Plaintiffs further certify that they have conferred with counsel for Defendants in an effort to resolve the discovery dispute without court intervention.

Dated: May 15, 2020

Respectfully Submitted,

THE CITY OF HUNTINGTON

/s/ Anne McGinness Kearse

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CABELL COUNTY COMMISSION

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on this 15th day of May, the foregoing “**Plaintiffs’ Motion to Compel Defendants to Withdraw Privilege Claims and for *In Camera* Review of Privilege Claims**” was served using the Court’s CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Anthony D. Irpino
Anthony D. Irpino (admitted pro hac vice)

/s/ Paul T. Farrell, Jr.
Paul T. Farrell, Jr. (W.Va. Bar # 7443)